IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

LINKGINE, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:14-cv-570 (CMH/TRJ)
	)	
VIGLINK, INC.,	)	
	)	
Defendant.	)	
	)	

DEFENDANT VIGLINK, INC.'S ANSWER
TO PLAINTIFF LINKGINE, INC.'S COMPLAINT FOR PATENT INFRINGEMENT

Defendant VigLink, Inc. ("VigLink"), by and through its undersigned counsel, hereby responds to the Complaint for Patent Infringement ("Complaint") filed by Plaintiff Linkgine, Inc. ("Linkgine") and denies all allegations of the Complaint that are not expressly admitted herein as follows:[1]

NATURE OF ACTION

VigLink admits that Linkgine purports to bring an action for patent infringement of United States Patent No. 7,818,214 (the "'214 patent") and United States Patent No. 8,027,883 (the "'883 patent") (collectively, the Patents-in-Suit") under the patent laws of the United States. VigLink specifically denies any alleged infringement and denies the remaining allegations of this paragraph.

[1] For ease of reference, VigLink incorporates the outline headings used in Linkgine's Complaint. To the extent that such headings make factual allegations, VigLink does not adopt or admit such statements and instead denies them.

PARTIES

1. VigLink is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and, therefore, denies them.

2. VigLink admits the allegations in the first and second sentences of paragraph 2. With respect to the third sentence of paragraph 2, VigLink admits that it conducts business in the Eastern District of Virginia, but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2 and, therefore, denies them. VigLink specifically denies any alleged infringement.

JURISDICTION AND VENUE

3. VigLink admits that Linkgine purports to bring an action for patent infringement under the patent laws of the United States. VigLink specifically denies any alleged infringement.

4. Admitted.

5. For purposes of this action only, VigLink does not contest that it is subject to personal jurisdiction in this Court. VigLink denies that it conducts substantial business in this district, and therefore denies the remaining allegations of paragraph 5. VigLink also specifically denies any alleged infringement.

6. For purposes of this action only, VigLink does not contest that it is subject to person jurisdiction in this Court and that venue is proper in this district, but states that the Court shall transfer venue to the Northern District of California under 28 U.S.C. § 1404(a). VigLink also specifically denies any alleged infringement.

FACTUAL BACKGROUND

7. VigLink admits that what purports to be a copy of the ’214 patent, titled “Affiliate Manipulation System and Method,” is attached as Exhibit A to the Complaint. VigLink further

admits that the ’214 patent states on its face that it issued on October 19, 2010. VigLink is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 7 and, therefore, denies them.

8. VigLink admits that what purports to be a copy of the ’883 patent, titled “Affiliate Manipulation System and Method,” is attached as Exhibit B to the Complaint. VigLink further admits that the ’883 patent states on its face that it issued on September 27, 2011. VigLink is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 8 and, therefore, denies them.

9. Denied.

10. VigLink is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 and, therefore, denies them.

11. VigLink is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11 and, therefore, denies them.

12. VigLink is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12 and, therefore, denies them.

13. VigLink is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 and, therefore, denies them.

14. VigLink is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 and, therefore, denies them.

15. VigLink admits the allegations in the first sentence of paragraph 15. VigLink denies the allegations in the second sentence of paragraph 15. VigLink admits that it has one or more customers in the United States, the Commonwealth of Virginia, and the Eastern District of Virginia, but otherwise denies the allegations of the third sentence of paragraph 15.

16. Denied.

COUNT I: INFRINGEMENT OF THE ’214 PATENT

17. VigLink repeats and incorporates each of its responses to the allegations contained in paragraphs 1 through 16 as if fully set forth herein.

18. Denied.

19. VigLink admits that it has had knowledge of the ’214 patent since November 2013. VigLink denies the remaining allegations of paragraph 19.

20. Denied.

21. Denied.

COUNT II: INFRINGEMENT OF THE ’883 PATENT

22. VigLink repeats and incorporates each of its responses to the allegations contained in paragraphs 1 through 21 as if fully set forth herein.

23. Denied.

24. VigLink admits that it has had knowledge of the ’883 patent since November 2013. VigLink denies the remaining allegations of paragraph 24.

25. Denied.

26. Denied.

GENERAL DENIAL

Except as expressly admitted herein, VigLink denies all allegations set forth in the Complaint.

DEMAND FOR JURY TRIAL

VigLink admits that Linkgine requests a trial by jury of any issues so triable, and VigLink hereby also requests a trial by jury on all issues so triable.

LINKGINE'S PRAYER FOR RELIEF

VigLink denies any factual assertions contained in the prayer for relief and further denies that Linkgine is entitled to any relief in this action.

AFFIRMATIVE DEFENSES

Without any admission as to the burden of proof, VigLink asserts the following defenses. VigLink expressly reserves the right to amend or raise additional defenses in its Answer as additional information becomes available through further investigation and discovery.

FIRST AFFIRMATIVE DEFENSE

Linkgine's Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

VigLink does not infringe and has not infringed any claim of the Patents-in-Suit.

THIRD AFFIRMATIVE DEFENSE

Each asserted claim of the Patents-in-Suit is invalid for failure to meet the requisite conditions for patentability specified by Title 35 of the United States Code, including without limitation, 35 U.S.C. §§ 101, 102, 103 and 112.

FOURTH AFFIRMATIVE DEFENSE

Linkgine's claims for damages for alleged infringement are limited by 35 U.S.C. §§ 286 and 287.

FIFTH AFFIRMATIVE DEFENSE

Linkgine's claims for relief are barred in whole or in part by prosecution history disclaimer and/or prosecution history estoppel.

SIXTH AFFIRMATIVE DEFENSE

To the extent the evidence warrants, Linkgine's claims for relief are barred in whole or in part by laches, estoppel, waiver, and/or unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

Linkgine is not entitled to injunctive relief under any theory, including without limitation because (i) any alleged injury to Linkgine is not immediate or irreparable, (ii) Linkgine has an adequate remedy at law, and/or (iii) public policy concerns weigh against any injunctive relief.

EIGHTH AFFIRMATIVE DEFENSE

Linkgine cannot prove that this is an exceptional case justifying an award of attorneys' fees against VigLink, pursuant to 35 U.S.C. § 285.

NINTH AFFIRMATIVE DEFENSE

If the Court finds that VigLink has infringed any claims of the Patents-in-Suit, then such infringement by VigLink was neither willful nor wanton.

WHEREFORE, having fully answered the allegations of the Complaint, VigLink respectfully requests that the Court enter judgment:

1. Dismissing all claims in the Complaint with prejudice;
2. Declaring that the Patents-in-Suit, and any claims therein, are not infringed by VigLink, whether literally or under the doctrine of equivalents, and that VigLink does not infringe directly or by contributing to the infringement of others or by inducing others to infringe;
3. Declaring the Patents-in-Suit invalid;

4. Finding this to be an exceptional case under 35 U.S.C. § 285 and ordering Linkgine to pay VigLink its reasonable attorneys' fees and all other costs that may be incurred by VigLink;

5. Awarding VigLink its costs of suit; and

6. Granting such other and further relief as the Court deems just and proper.

Dated: July 18, 2014

Respectfully submitted,

VIGLINK, INC.

/s/ Derek H. Swanson

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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record in this case. I further certify that I served a copy of the foregoing by First Class U.S. Mail on the following counsel:

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